

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH WEINFELD et al.,

Plaintiffs,

VS.

BILL L. MINOR et al.,

Defendants.

3:14-cv-00513-RCJ-WGC

ORDER

This is a shareholder derivative action on behalf of Precious Minerals Mining & Refining

Corp. (“PMMR”) against PMMR President Bill Minor and PMMR Board Members John

Reynolds and Walter Marting. The U.S. District Court for the Eastern District of New York

transferred the case to this District under 28 U.S.C. § 1404(a) as an alternative to a request to

dismiss for lack of personal jurisdiction and improper venue. The transferor court did not rule on

contemporaneous requests to dismiss the First Amended Complaint (“FAC”) for failure to

comply with Rules 8(a), 9(b), and 23.1(b). This Court dismissed the FAC under the latter rule.

and Rule 11(a) because it was not verified or even signed by any attorney. Plaintiffs filed the

Second Amended Complaint (“SAC”), and Defendants moved to dismiss it. The Court ruled

the SAC was not precluded by either of two previous actions litigated in the New York and

Nevada state courts but dismissed the SAC, with leave to amend, because it failed to comply

¹⁰ with Rule 23.1's requirement to plead demand and futility with particularity in shareholder derivative actions.

1 derivative litigation. Plaintiffs have filed the Third Amended Complaint, and Defendants have
2 moved to dismiss it for failure to cure the defects with respect to Rule 23.1 and failure to state a
3 claim. A response was due on June 6, 2016, but as of June 7, 2016, Plaintiffs had not timely
4 responded. The Court therefore grants the motion. *See* Local R. 7-2(d).

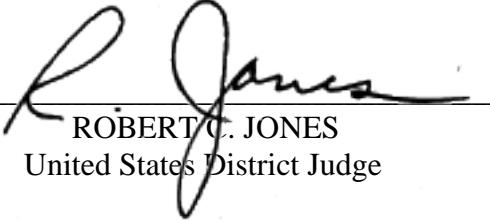
5 **CONCLUSION**

6 IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 92) and the Motion to
7 Seal (ECF No. 95) are GRANTED.

8 IT IS FURTHER ORDERED that the Clerk shall enter judgment and close the case.

9 IT IS SO ORDERED.

10 Dated this 29th day of June, 2016.

11
12 
13 ROBERT C. JONES
United States District Judge
14
15
16
17
18
19
20
21
22
23
24